

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALDEN A. THOMAS,  
Plaintiff,

v.

SUPERIOR COURT OF SOLANO  
COUNTY,  
Defendant.

Case No. 18-cv-00784-HSG (PR)

**ORDER OF DISMISSAL**

Plaintiff, a state prisoner housed at Centinela State Prison and proceeding *pro se*, has filed an “application for entry of judgment from another district.” Therein, he seeks an order from this Court directing the Solano County Superior Court to enforce a judgment in his favor entered in that court. The action is now before the court for review pursuant to 28 U.S.C. §1915A. Plaintiff is granted leave to proceed *in forma pauperis* by separate order.


Plaintiff’s request is construed as a petition for a writ of mandamus to compel a state court to perform a duty owed to plaintiff and is DENIED. Federal district courts are without power to issue mandamus to direct state courts, state judicial officers, or other state officials in the performance of their duties. A petition for mandamus to compel a state court or official to take or refrain from some action is frivolous as a matter of law. *See Demos v. U.S. District Court*, 925 F.2d 1160, 1161-62 (9th Cir.), *cert. denied*, 111 S. Ct. 1082 (1991); *Cf. Pacific Bell Tel. Co. v. City of Walnut Creek*, 428 F. Supp. 2d 1037, 1055 n.6 (N.D. Cal. 2006) (the “claim for a writ of mandate is a state law claim. Although the asserted bases for issuance of such writ are the City’s alleged violations of both federal and state law, the claim remains a state law claim” over which the court refused to exercise supplemental jurisdiction). Plaintiff cannot obtain a federal writ of mandamus compelling the Solano County Superior Court to take action or refrain from taking action.

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Accordingly, the action is DISMISSED for failure to state a claim upon which relief may be granted. 28 U.S.C. § 1915A. The Court certifies that any appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3). The Clerk of the Court shall issue judgment and close the file.

**IT IS SO ORDERED.**

Dated: 4/25/2018

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge